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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,546	06/05/2003	Ernst Kraenzler	1969	7609
7590	08/25/2009		EXAMINER	
Michael J Striker Striker Striker & Stenby 103 East Neck Road Huntington, NY 11743			CHUKWURAH, NATHANIEL C	
			ART UNIT	PAPER NUMBER
			3721	
			MAIL DATE	DELIVERY MODE
			08/25/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* ERNST KRAENZLER, MANFRED RUFF,  
HARALD KRONDORFER, RALPH DAMMERTZ,  
JOERG GOEHNER and MARIO FRANK

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Application No. 10/049,546  
Technology Center 3700

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Mailed: August 25, 2009

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Before TOI JOHNSON *Review Paralegal*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on August 17, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the

application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

**PRIOR ORDER FOR RETURN**

A prior “Order Returning Undocketed Appeal to Examiner” was mailed on June 25, 2009 wherein the Examiner was instructed that corrections were required. A review of the file finds that the required corrections have been made, however, the following matter requires attention prior to docketing is identified below.

**APPEAL BRIEF, CLAIMS APPENDIX**

A review of the file reveals that the Examiner approved entry of the Amendment filed November 14, 2007. The amendment amended claim 36 however, the Claims Appendix of the Appeal Brief filed November 14, 2007 reveals that claim 36 is not consistent as amended. The copy of the claims should be in proper format and should not include any markings such as brackets or underlining except for claims in a reissue application in accordance with 37 CFR 41.37(c)(1)(viii). *See Manual of Patent Examining Procedure (MPEP) § 1205.02 (8<sup>th</sup> ed. Rev. 6, Sept 2007)* for details.

**CONCLUSION**

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) hold the Appeal Brief's Claims Appendix filed on November 14, 2007 defective;
- 2) notify Appellant to file a corrected Claims Appendix;
- 3) acknowledge and consider the correction filed by Appellant; and
- 4) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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